

WHEREAS, it is the policy of Union to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,)(the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Union Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Union Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Union Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Union Township Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Union shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Union Township Committee and all managerial/supervisory personnel are responsible for these employment practices. The Union Township Clerk and the Union Township Attorney shall assist the Union Township Committee in the implementation of the policies and procedures in the manual.

Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to adopt the above-mentioned resolution/Personnel Manual as discussed and amended this evening. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes and Mr. Mulhall. Naye: Mr. Rossi. Motion carried.

NEW BUSINESS – 1. The following resolution was introduced for adoption:

**RESOLUTION #2006-104
APPROPRIATION TRANSFER(S)**

BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2006 Reserve Balances in:

TO: Liability Insurance	\$ 5,060.00
Buildings & Grounds OE	3,000.00
Administration OE	<u>3,000.00</u>
Total	\$11,060.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM: Employee Group Insurance	\$ 9,000.00
Recreation OE	<u>2,060.00</u>
Total	\$11,060.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A:4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. The following resolution was introduced for adoption:

**RESOLUTION #2006-105
REFUND; CLOSURE OF ESCROW ACCOUNT**

WHEREAS, an escrow account was established by Rainmaker Capital of Union, LLC, 30 Galesi Drive, Wayne, NJ 07470; and

WHEREAS, Rainmaker Capital of Union, LLC is no longer in contract to purchase the Red Hills Quarry Property, in Union Township; and

WHEREAS, a request has been made for the closure of said escrow account, by Paul E. Martinelli, Managing Member of Rainmaker Capital of Union, LLC, in the amount of \$600.00;

THEREFORE, BE IT RESOLVED by the Union Township Committee to authorize the Finance Officer to close the escrow account and refund the balance.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. The following resolution was introduced for adoption:

RESOLUTION #2006-106

**PUBLIC ALLIANCE INSURANCE COVERAGE FUND
RESOLUTION FOR RENEWAL OF MEMBERSHIP**

WHEREAS, the TOWNSHIP OF UNION, hereafter referred to as "**Public Entity**" is a member of the Public Alliance Insurance Coverage Fund, hereinafter referred to as "**Fund**"; and

WHEREAS, the **Public Entity** is afforded the following types of coverages (as indicated by an "x"):

- ⊖ Workers' Compensation
- ⊖ Package (property, boiler & machinery, crime, auto & general liability, including Police Professional)
- ⊖ Public Officials Liability
- ⊖ Excess Liability
- ⊖ Auto & General Liability (including Police Professional)
- ⊖ Public Officials Liability
- ⊖ Environmental Impairment Liability

WHEREAS, the **Public Entity** desires to renew said membership.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The **Public Entity** agrees to renew its membership in the **Fund** for a period of three years beginning January 1, 2006, and ending January 1, 2009 at 12:01 a.m. eastern standard time, and to be subject to the coverages, operating procedures, bylaws, and other organizational and operational documents of the **Fund** presently existing or as from time to time amended by the **Fund** and/or the Department of Banking and Insurance.
2. The **Public Entity** hereby appoints K. Judith Fabian, Township Clerk, as the **Public Entity's** Fund Commissioner and is authorized to execute the renewal Indemnity and Trust Agreement thereby evidencing annexed hereto and made a part hereof and to deliver same to the **Fund** the **Public Entity's** renewal of its membership.

Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to adopt the above resolution as amended. Vote – Ayes: Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Abstain: Mrs. Dziubek. Motion carried.

4. The following resolution was introduced for adoption:

RESOLUTION #2006-107

**APPOINTMENT OF RISK MANAGEMENT CONSULTANT; SHAY LEON, BOLLINGER
INSURANCE**

WHEREAS, the Township of Union Committee has resolved to join the Public Alliance Insurance Coverage Fund ("PAIC") following a detailed analysis; and

WHEREAS, the Bylaws of PAIC require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicate that PAIC shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee;

NOW THEREFORE, BE IT RESOLVED that the Township of Union Committee does hereby appoint Shay Leon of Bollinger as its Risk Management Consultant in accordance with the Fund's Bylaws.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

5. Holiday Hours; Municipal Building; - after a brief discussion, motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to close the Municipal Building on December 26th and January 2nd. Vote – Ayes: Mr. Haynes. Naye: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Motion defeated.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to close the Municipal Building on December 26th. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

6. After a brief discussion, Mr. Rossi read the following ordinance by title and introduced same for 1st reading:

ORDINANCE #2006-___

AN ORDINANCE OPENING AND ACCEPTING HIDDEN MEADOW LANE AS A TOWNSHIP STREET OR ROAD AND ESTABLISHING THE BOUNDARIES THEREOF IN THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Be It Ordained by the Township Committee of the Township of Union, in the County of Hunterdon, and State of New Jersey as follows:

Section 1. The dedication of the following described tract of land as a public street or road of the Township of Union is hereby accepted, and the same are hereby opened, laid out and established as public streets or roads of Union Township:

Hidden Meadow Lane - as shown on filed Map No. 8310829 entitled “Final Plat for The Hamlet at Hidden Meadow, Block 28, Lot 19,” and recorded in the Hunterdon County Clerk’s Office on April 5, 2001. The above description is in accordance with a map entitled “Final Location Survey for Block 28, Lot 19.05 Located in Union Township, Hunterdon County, New Jersey” prepared by Van Cleef Engineering Associates, dated January 3, 2001 and revised January 7, 2002.

Section 2. The boundaries and side lines of the said street or road are hereby established as above described.

Section 3. No dedication or approval of any street or road or section thereof is intended or affected except such or portion thereof as is included in the above description.

Section 4. The acceptance of Hidden Meadow Lane as a public street of the Township of Union shall not constitute approval of any incomplete work on said roads or any other incomplete work in said development, nor a release of any other obligations of the developer, such obligations to remain in full force and effect notwithstanding the adoption of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon final passage and publication according to law.

Motion was made by Mr. Mazza, seconded by Mr. Mulhall, to adopt the above ordinance on 1st reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The Public Hearing will be held on December 6, 2006.

ENGINEER’S REPORT – Mr. Bogart mentioned the 2007 Red Hills Quarry license renewal. Also he will request additional information from NJDOT on anticipated detours and/or restrictions (Rte. 78 road improvements).

ATTORNEY’S REPORT – Mr. Jost had matter(s) for Executive Session.

MAYOR’S REPORT – None.

COMMITTEE REPORT – Mrs. Dziubek mentioned she is working with the website manager to re-design certain pages. She has a personnel issue for Executive Session.

Mr. Mulhall mentioned he and Mr. Jost will make a presentation on Milligan Farm to the Planning Board on November 14th; he gave an overview of the project: 4 buildings on the upper portion/4 buildings on the south eastern quadrant totaling 14 acres; 2.4± acres for the farm house property; 85± acres to be preserved; construction will be in 3 phases.

Questions/comments: Pat Lingelbach.

Mr. Haynes mentioned the following: he had a matter for Executive Session; - clean up work has been done in the Construction Office; however, work needs to be done on the outside that includes the re-location of an air conditioning/heat pump unit; he obtain a price of \$1,000.00 not including electrical work.

Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to authorize Mr. Haynes to spend up to \$2,000.00 to move the unit mentioned above to include the electrical work subject to the availability of funds. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Mazza expressed frustration to Mr. Rossi and Mr. Mulhall on the length of time it was taking to obtain funds from outside agencies toward the purchase price of Milligan Farm especially in view of expenditures for COAH compliance.

Mr. Mulhall and Mr. Rossi responded.

Mr. Mulhall mentioned the grant for the Sidney Brook Watershed. Motion was made by Mr. Mulhall, seconded by Mr. Mazza, to authorize the Mayor to sign the Contract Agreement with the State of New Jersey for the Sidney Brook Watershed study subject to Township Attorney review of the Contract. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

COMMENTS FROM THE PUBLIC – Pat Lingelbach/Andy Riehl/Michael Beck/Bill Nelson

CLERK’S REPORT – Holiday party will be held on December 18th.

PAYMENT OF BILLS – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof, seconded by Mr. Mazza. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

**RESOLUTION
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Personnel/Contract Negotiations/Litigation/Potential Litigation.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. (Mr. Mazza out of the room) Motion carried.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to return to the regular meeting. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Appointment to Municipal Court Safety Committee – Mr. Mazza volunteered for this position. Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to appoint Mr. Mazza to service on said Committee. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Rossi read the following ordinance by title and introduced same for 1st reading:

ORDINANCE #2006-___

AN ORDINANCE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, STATE OF NEW JERSEY, AMENDING THE 2006 ORDINANCE FIXING AND DETERMINING MUNICIPAL CLASS, POSITIONS TITLES AND SALARY RANGES FOR CERTAIN OFFICES AND EMPLOYEES; Amendment #1

BE IT ORDAINED by the Township Committee of the Township of Union, County of Hunterdon, as follows:

To add the position of Part-Time Deputy Court Administrator:

MUNICIPAL COURT

Salary Range

Part-Time Deputy Court Administrator

Min. Wage - \$25.00 p/hr.

Said Amendment subject to the same conditions as Ordinance #2006-7.

This ordinance shall take effect immediately upon final passage and publication according to law.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above ordinance on 1st reading.
Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Public Hearing will be held on December 6, 2006.

The following resolution was introduced for adoption:

RESOLUTION #2006-108

INTERIM PART-TIME DEPUTY COURT ADMINISTRATOR; Linda Bergen

WHEREAS, there is a need for an interim part-time Deputy Court Administrator; and

WHEREAS, Linda Bergen is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire Linda Bergen as interim part-time Deputy Court Administrator effective November 1, 2006, at an hourly rate of \$16.00, for 20-30 hours per week until such time as Amendment #1 of the 2006 Salary Ordinance becomes effective.

Motion was made by Mrs. Dziubek, seconded by Mr. Mazza, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

RESOLUTION #2006-109

INTERIM PART-TIME DEPUTY COURT ADMINISTRATOR; Teresa Masino

WHEREAS, there is a need for an interim part-time Deputy Court Administrator; and

WHEREAS, Teresa Masino is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire Teresa Masino as interim part-time Deputy Court Administrator effective November 1, 2006, at an hourly rate of \$18.00, for up to 5 hours for each of two (2) Court Sessions per month until such time as Amendment #1 of the 2006 Salary Ordinance becomes effective.

Motion was made by Mr. Mazza, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, motion was made by Mrs. Dziubek, seconded by Mr. Mazza, to adjourn. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Meeting adjourned at 11:10 p.m.

Respectfully submitted,

K. Judith Fabian, RMC; Township Clerk